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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4905 of 2001

with

CIVIL APPLICATION NO.12317 OF 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

KAILASBEN D/O MOHANBHAI PUNJAJI

Appearance:

MR HEMANT S SHAH for appellant

MR BG JANI for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI

and

MR.JUSTICE H.H.MEHTA

Date of decision: 24/12/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.H.KADRI)

1. Learned advocate for the appellant Mr. Hemant S. Shah seeks permission to delete respondent No.2 from the record of First Appeal as well as Civil Application No.12317 of 2001. Permission is granted. Record of First Appeal as well as Civil Application No.12317/2001 be amended accordingly.

2. Appeal admitted. Learned advocate Mr. B.G.Jani waives service of notice of admission on behalf of the respondent No.1. By consent of the learned advocates, the appeal is taken up for final hearing today.

3. Heard learned counsel for the parties. In our view, the Tribunal has erred in applying multiplier of 15. Looking to the age of the deceased which was 45 years at the time of the accident, in our view, the Tribunal ought to have applied multiplier of 12 instead of 15. With regard to the income of the deceased, the Tribunal has rightly held that he was earning Rs.1,500/per month and the deceased would have spent at least Rs.500/per month for the benefit of the claimant. Yearly loss assessed by the Tribunal at Rs.6,000/- per month is eminently just and proper. If multiplier of 12 is applied, then the respondent No.1-original claimant would be entitled to Rs.72,000/as loss to the estate and Rs.10,000/- towards expectation of life. As a result, the claimant shall be entitled compensation of Rs.82,000/- instead of Rs.1 lac awarded by the Tribunal. The amount of Rs.82,000/- shall carry interest at the rate of 12 % till December 31, 1999 and thereafter at the rate of 9 % till deposit of the awarded amount in the Tribunal. The award of the Tribunal be modified accordingly in view of the above stated reasons. The appeal stands allowed to the above extent. No order as to costs of this appeal. No order on Civil Application No.12317 of 2001 for stay.

4. The amount of Rs.87,513/- was deposited by the appellant on March 13, 2000 in the Tribunal. The appellant is directed to deposit the remaining amount within four weeks from today. On deposit of the said amount, the Tribunal shall invest and disburse the amount as per the directions contained in the impugned award.

(M.H.Kadri, J.) (H.H.Mehta, J.)

*mithabhai